

Claims 14, 15 and 17-20 stand rejected under 35 U.S.C. §112, second paragraph. Claims 14, 15, 17, 18 and 19 have been canceled. Claim 20 has been amended to overcome the rejection.

The claims stand rejected under 35 U.S.C. §102 and §103 for the reasons set forth on pages 4-9 of the Office Action. These rejections are traversed as follows.

Applicant wishes to thank the Examiner for meeting with her and the undersigned on February 9, 2001. The differences between the presently-claimed invention and the cited art were discussed during the interview. In light of that discussion, Applicant requests that the Examiner reconsider the outstanding rejections.

For instance, Evans et al do not disclose a moisture transfer apparel as recited in the pending claims. Instead, Evans et al disclose an outer layer having liquid retention characteristics. In addition, Evans et al do not disclose any breathable membrane as recited in claim 1. Applicant's breathable membrane does not correspond to intermediate layer 30 of Evans et al which is provided to add tensile strength to the surface wiping implement or to improve lateral wicking of liquid that is passed through outer layer 12. Layer 30 of

Evans et al is recited to be a melt blown fabric of polypropylene fibers which are surfactant treated (See Col.

Similarly, Dawn et al also do not disclose any outer moisture transfer material as recited in the pending claims. Instead, Dawn et al recite an absorbent product for absorbing fluids. It should readily be appreciated that the combination of a polymer absorbent mass 20 and copolymer mass 28 function in a manner completely different from that desired of the presently claimed invention. As stated at column 4, lines 59-68, absorbent masses 20 and 28 permit a redundant capability of leakage avoidance such that in case of oversaturation of the polymer, the fluid will absorb into the copolymer mass, which will rapidly gel, thus blocking further fluid flow. This result is desirable in applications such as disposable diapers, bed pads, etc., taught by Dawn et al but serves no purpose in the moisture transfer apparel recited in the pending claims.

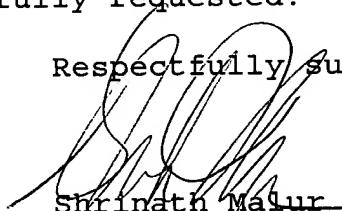
Colvin et al do not teach encapsulation as recited in the pending claims. According to page 10, lines 1-3 of the specification, it is stated that the encapsulation process is performed for waterproofing. Colvin et al disclose encapsulation for the purpose of providing a thermal control material having thermal energy storage and insulative

properties for use as a thermal barrier between a heat source and a heat sink (See Col.

In view of the substantial difference between the cited references and the pending claims, it is submitted that these references, whether taken individually or in combination, fail to raise a *prima facie* case of unpatentability. In addition, it is submitted that all of the new claims patentably define the present invention over the cited art. These new claims raise new issues not previously presented which require further search and/or consideration.

Examination is respectfully requested.

Respectfully submitted,

  
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## MARKED UP VERSION OF REWRITTEN CLAIMS

17. (Amended) The moisture transfer apparel according to claim 16, wherein the second layer is an elastomeric composite having [an] a non-woven material attached to the foam.

20. (Amended) A moisture transfer apparel comprising on at least a portion of the apparel, a combination of layers comprising:

a first layer, closest to an individual, the first layer being an inner moisture transfer material; and

a second layer, abutting the first layer, comprising an outer moisture transfer material that [selected from a group of outer moisture transfer materials, wherein the second layer] is treated with encapsulation.

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